

On February 22, 2018, the Court issued an order dismissing portions of the complaint and directing that process be issued and served on the remaining Defendant, Candace Haynes. In the complaint, Plaintiff identified Defendant Haynes as the former Chief Jailer at the Jail. Because Plaintiff gave no current address for Haynes in the complaint, service was first attempted at the Jail; however, the summons was returned unexecuted on February 27, 2018. (ECF No. 14.) Because Plaintiff is still incarcerated, he cannot reasonably be expected to take further steps to locate the Defendant. Therefore, it is the Court's responsibility to ensure that process is served, if possible:

[Twenty-eight] U.S.C. § 1915(c) provides that the officers of the court “shall issue and serve all process” when a plaintiff is proceeding *in forma pauperis*. Fed. R. Civ. P. 4(c)(2) dovetails with § 1915(c) by providing that the court must appoint a United States Marshal to serve plaintiff’s process “when the plaintiff is authorized to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.” Together, Rule 4(c)(2) and 28 U.S.C. § 1915(c) stand for the proposition that when a plaintiff is proceeding *in forma pauperis* the court is obligated to issue plaintiff’s process to a United States Marshal who must in turn effectuate service upon the defendants, thereby relieving a plaintiff of the burden to serve process once reasonable steps have been taken to identify for the court the defendants named in the complaint.

Byrd v. Stone, 94 F.3d 217, 219 (6th Cir. 1996).

The Clerk is DIRECTED to issue a third-party subpoena for the Crockett County Sheriff’s Department, 884 S. Cavalier Drive, Alamo, TN 38001, and deliver it to the U.S. Marshal for service, along with a copy of this order. The subpoena shall direct Crockett County Sheriff Troy Klyce to provide to the Court, on or before June 15, 2018, either the current place of employment or the last known home address and telephone number of Defendant Candace Haynes, the former Chief Jailer at the Jail. Due to security and privacy concerns, any information regarding a home address and telephone number provided by the Sheriff’s Department in compliance with the subpoena shall not be made available to Plaintiff Miller, but shall be filed by the Clerk *ex parte* and under seal. If the Sheriff’s Department provides sufficient information regarding the Defendant’s whereabouts, the Clerk shall re-issue process and deliver it to the Marshal for service.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE